

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Larry McKinney**
Docket No. **274887**
L.C. No. **74-004574**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal filed on December 12, 2006, and the motion for appointment of counsel are DISMISSED for lack of jurisdiction. First, because the last circuit court order presented by the defendant in this application was issued on December 8, 2005, the application is untimely since it was not filed within 12 months of that order. Second, because defendant is trying to raise issues not yet ruled on by the trial court, the application is premature as to those issues since no order has been issued. Finally, the defendant is trying to appeal the denial of a successive motion for relief from judgment in violation of MCR 6.502(G)(1). Defendant has not satisfied MCR 6.502(G)(2) because he has not shown through due diligence that the issue still could not have been raised in the 1997 motion for relief from judgment.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN - 5 2007

Date

Sandra Schultz Mengel
Chief Clerk